

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA : No. 10 CR 594 (ERK)  
-against- : DECLARATION  
JOSEPH YANNAI, :  
Defendant. :

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NEIL B. CHECKMAN, ESQ., an attorney admitted to the practice of law in the Courts of New York State and in this Court, under penalties of perjury, pursuant to 28 U.S.C. §1746 hereby declares:

1. I am one of the attorneys appointed by this Court to represent Joseph Yannai on the above-captioned Indictment.

2. This Declaration is submitted in Support of the Defendant's Application for an Order directing the Government to take whatever steps are necessary to enable the release of the \$67,000 cash bail that was posted as security for the defendant's release on the above-captioned case.

3. On information and belief, based upon a reading of the docket sheet, the defendant was released on March 4, 2011 upon a PRB of \$125,000 secured by the home owned by Elena Fusillo at 309 Salem Road in Poundridge, New York, and a cash bail of \$67,000 deposited with the court, along with home confinement with electronic (GPS) monitoring.

4. At all times thereafter, Mr. Yannai lived up to the terms of his release.

5. On June 1, 2011 in the early morning hours, Mr. Yannai was

found xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx (redacted).

6. In court on June 1, 2011, this Court issued a Bench Warrant for the arrest of Mr. Yannai. (Trial transcript, page 1195, lines 17-18) The bail was never ordered forfeited.

7. The Court, over defense counsel's objections continued with the defendant's trial in absentia.

8. [Redacted].

9. Mr. Yannai's absence from the trial was brief, and as been stated above, caused no delay as the Court proceeded in his absence.

10. From the June 1, 2011 date when a warrant was issued, to the present Mr. Yannai has been detained either in the hospital or at the MDC without bail.

Accordingly, counsel requests an Order of this Court directing the Government to take whatever steps are necessary for the return of the \$67,000 bail posted by Ms. Elena Fusillo on her husband's behalf.

Dated: New York, New York  
August 15, 2013

/s/

NEIL B. CHECKMAN, ESQ. (NC-9232)